



## Mars Khaimov Law, PLLC

100 Duffy Avenue, Suite 510

Hicksville, New York 11801

Tel.: 929.324.0717

Fax: 929.333.7774

E-mail: mars@khaimovlaw.com

### VIA ECF

Magistrate Judge Stewart D. Aaron  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

September 11, 2023

Re: 1:23-cv-04686-AS-SDA Toro v. Apollo Design & Tech Inc.

Status Letter and Request for Adjournment of Conference

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 09/11/2023

Dear Magistrate Aaron,

Plaintiff's counsel submits this letter-motion to seek an adjournment of the initial pre-trial conference, currently scheduled for September 12, 2023, at 2:00 p.m. Time to serve the Defendant has elapsed pursuant to Rule 4m. We have attempted service on this defendant over ten times, and Defendant is evading service. As such, good cause exists to allow Plaintiff an extension of time to serve, and we will proceed with substitute service if allowed. Plaintiff requests 60 days to complete service and for Defendant to answer, and proposes to reschedule the conference for November 16th, 2023, or a date convenient to the Court. This is the first time relief is being requested.

We thank the Court for its attention and consideration in this matter.

Respectfully submitted,

/s/ Mars Khaimov  
Mars Khaimov, Esq.  
Attorney for Plaintiff

Plaintiff's Letter Motion (ECF No. 7) is GRANTED IN PART and DENIED IN PART. The time for Plaintiff to effect service, pursuant to Fed. R. Civ. P. 4(m), hereby is extended to November 13, 2023. Any motion by Plaintiff for substituted service shall be filed no later than September 25, 2023. The telephone conference previously scheduled for September 12, 2023 is adjourned *sine die* and will be rescheduled after Defendant has been served. SO ORDERED.

Dated: 09/11/2023

*Stewart D. Aaron*

